

ALLEN M. RESSLER (WSBA #5330)
JONATHAN BARASH (WSBA #36878)
821 – 2nd Avenue, Suite 2200
Seattle, WA 98104
Telephone: 206-388-0333
Facsimile: 206-388-0197
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

HONDO HANES,

Plaintiff,

Case No.

v.

**COMPLAINT FOR PERSONAL
INJURIES AND DAMAGES**

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT
OF HOUSING AND URBAN
DEVELOPMENT.

Defendant.

COMES NOW the Plaintiff, for his cause of action against the Defendant,
alleges as follows:

I. JURISDICTION

1.1 This is an action for personal injury and it arises under the Federal
Tort Claims Act (“FTCA”), 28 U.S.C. § 2671-2680.

1.2 A federal tort claim was timely filed on Hondo Hanes’ behalf on
February 1, 2017, and more than six months have transpired without any final
action or determination made by Defendant United States of America.

**COMPLAINT FOR PERSONAL
INJURIES AND DAMAGES - 1**

LAW OFFICES OF
RESSLER & TESH
PENTHOUSE SUITE
821 SECOND AVENUE
SEATTLE, WA 98104
(206) 388-0333

II. VENUE

2.1 The alleged negligent acts and omissions committed by Defendant were committed in Pierce County, Washington.

2.2 Venue is proper in the United States District Court for the Western District of Washington at Tacoma.

III. IDENTIFICATION OF PARTIES

3.1 Plaintiff **Hondo Hanes** is a resident of Pierce County, Washington.

3.2 Defendant **United States of America** is a sovereign nation that is comprised of numerous departments, agencies or sub-agencies, including the U.S. Department of Housing and Urban Development.

3.3 Defendant **United States Department of Housing and Urban Development** (“HUD”) is the federal agency who owned the property where the injury occurred.

IV. FACTS

4.1 On April 25, 2016, the Plaintiff, Hondo Hanes and his wife Maria Hanes were out house hunting.

4.2 Responding to an advertisement they saw online, they travelled to 21604 – 185th St. E. in Orting, WA to look at a home listed for sale. The advertisement showed a four-bedroom house. A paper flyer they obtained related to the home sale read, in part, “Come see this home today!”

4.4 As Mr. Hanes and his wife approached the home, they noted that the front door was surrounded by a large porch. The porch had yellow caution tape strung across its leading edge as well as along its right-hand side. This left the left side of the porch as the only side from which ingress and egress could reasonably be inferred.

4.6 Mr. Hanes and his wife, stepped up onto the porch to view the home. After a few moments, Mr. Hanes stepped off the porch on the same side from which he accessed it. As he did so he stepped onto what can best be described as a spike that pierced through his shoe and through the bottom of his left foot.

V. CAUSES OF ACTION

COMPLAINT FOR PERSONAL INJURIES AND DAMAGES - 3

1 5.2 All of Plaintiff Hanes' injuries and damages are the direct and
2 proximate result of the negligence of the Defendant as described above.

3
4 5.3 When the Department of Housing and Urban Development listed
5 their house for sale and encouraged home buyers to come view the property,
6 they had a duty to the home buyers that came to view the property to ensure it
7 was free from hidden or obscured spikes that could injure persons.
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9 5.4 The Department of Housing and Urban Development breached that
10 duty by either creating or failing to remedy this hazardous condition.
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12 **VI. Absence of Nonparty at Fault Entities**

13 6.1 Named Defendants are the only "at fault" entity. There are no
14 nonparty "at fault" entities who are in any way or percentage "at fault" for this
15 breach of the standard of care and/or Plaintiff's injuries and damages resulting
16 therefrom.
17

18 **VII. Damages**

19 7.1 As a result of the Defendant's negligence and breach of the
20 standard of care Plaintiff Hanes has sustained physical and psychological
21 injuries. He has necessarily incurred and will continue to incur reasonable
22 medical and rehabilitation expenses. He has suffered loss of earnings. He has
23 undergone pain and suffering both physical and mental. Plaintiff Hanes has
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1 sustained substantial general damages in the amount to be proven at the time of
2 trial.

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4 **VIII. Limited Physician – Patient Waiver**

5 8.1 Counsel asserts the physician/patient privilege on behalf of the
6 Plaintiff for 89 days following the filing of this Complaint. On the 90th day
7 following the filing of this Complaint, Plaintiff hereby waives the
8 physician/patient privilege; the waiver is conditioned and limited as follows:
9

10 a. Plaintiff does not waive his constitutional right of privacy;

11 b. Plaintiff does not authorize contact with his healthcare
12 providers of any kind accept by judicial proceedings authorized by the Rules of
13 Civil Procedure;
14

15 c. Representatives of the Defendants are specifically instructed
16 not to attempt ex parte contact with the healthcare providers of Plaintiff Hanes;
17 and
18

19 d. Representatives of the Defendants are specifically instructed
20 not to contact, in writing or otherwise, Plaintiff Hanes' healthcare providers and
21 telling them that they may mail copies of records to the Defendants.
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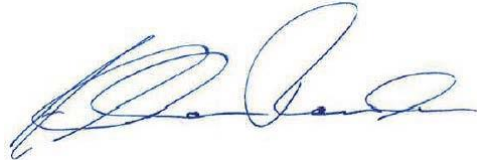
23 **IX. Prayer for Relief**

24 WHEREFORE, Plaintiff prays for judgment against the Defendant for
25 such sums of money as will reasonably and justly compensate him for the
26

1 damages he sustained as alleged in this Complaint, together with attorney's fees
2 and costs as permitted by law as well as prejudgment interests.
3

4 DATED this 4th day of October, 2017.
5

6 **RESSLER & TESH, PLLC**

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9 Allen M. Ressler, WSBA #5330
10 Jonathan Barash, WSBA #36878
11 Attorneys for Plaintiff
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